

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dunkel *et al.*

Appl. No : 10/579,033

Filed: January 22, 2007

For: **Silylated Carboxamides**

Confirmation No.: 4397

Art Unit: 1621

Examiner: Jennifer Y Cho

Atty. Docket: 2400.0330000/VLC/CMB

Declaration Under 37 C.F.R. § 1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markenweg 85, 56566 Neuwied, Germany, a citizen of Germany, state and declare that:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employment of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for the biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.

2. I am familiar with the subject matter of the above-identified United States patent application. I have read and understood the Office Action dated July 22, 2008, and the references cited therein

3. The following experiments with the following results have been carried out under my supervision and direction:

Example 1

Alternaria test (tomatoes) / protective

Solvent: 24,5 parts by weight of acetone

24,5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

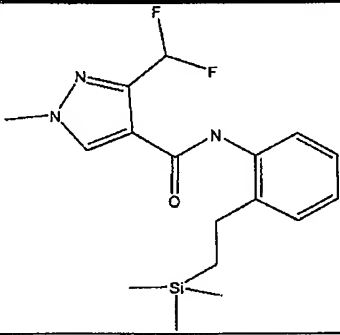
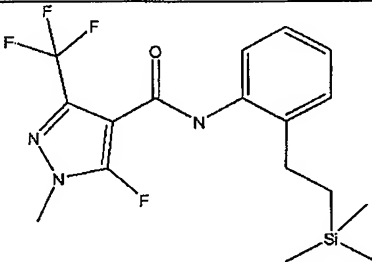
To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are inoculated with an aqueous spore suspension of *Alternaria solani*. The plants are then placed in an incubation cabinet at approximately 20°C and a relative atmospheric humidity of 100 %.

The test is evaluated 3 days after the inoculation. 0% means an efficacy which corresponds to that of the control while an efficacy of 100% means that no disease is observed.

Table

Alternaria test (tomatoes) / protective

Active compound <u>Known from WO2003-080628:</u>	Rate of application of active compound in ppm	Efficacy in %
<p>Example A.45</p> 	100	50
<u>According to the invention:</u>		
<p>Ex 10</p> 	100	92

Example 2

Alternaria test (tomatoes) / protective

Solvent: 24,5 parts by weight of acetone

24,5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

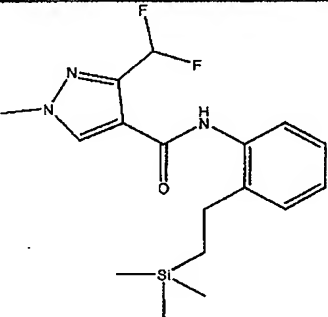
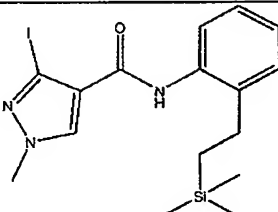
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Table

Alternaria test (tomatoes) / protective

	Active compound <u>Known from WO2003-080628:</u>	Rate of application of active compound in ppm	Efficacy in %
Ex A.45		100	50
	<u>According to the invention:</u>		
Ex 8		100	83

4. I further declare that the above statements made of my own knowledge are true and the above statements based on information and belief obtained from the references and documents discussed are believed to be true. Additionally, I declare that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Title 18 United States Code Section 1001, and that willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Ulrike Wachendorff-Neumann

Date: 2008-10-22